

### REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the following remarks.

The claims of the instant application are subject to a Restriction Requirement. Specifically, the Examiner contends that the inventions described in the claims are "not so linked as to form a single general inventive concept under PCT Rule 13.1." Further, the Examiner maintains that Group I (claims 1-11) are drawn to a polymer based on polyazoles, and Group II (claims 12-18) are drawn to polymer products. Applicant respectfully traverses.

PCT Rule 13.2 states:

"Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in **Rule 13.1** shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art." [Emphasis Added]

Also see MPEP 1893.03(d).

In the instant claims, there is a 'technical relationship among those inventions [i.e., Groups I-II] involving one or more of

the same or corresponding special technical features.' In other words, the inventions [i.e., Groups I-II] are 'so linked as to form a single general inventive concept.'

The technical relationship among those inventions [Groups I-II] is that each claim is based upon the same polymer, namely a polyazole with a molecular weight (measured as intrinsic viscosity) of at least 1.3dl/g. This polyazole is made by:

- A) Mixing (i) one or more aromatic tetra-amino compounds with one or more aromatic carboxylic acids or their esters, which contain at least two acid groups per carboxylic acid monomers, or  
  
(ii) mixtures of one or more aromatic and/or heteroaromatic diaminocarboxylic acids;
- B) Heating of the mixture under an inert gas, to temperatures of up to 350°C, preferably 300°C;
- C) Comminution of the mass obtained according to step B) and fractionation of the particles obtained;
- D) Heating of the particle fraction of 300 M<sup>m</sup> to 1000 M<sup>m</sup> > under an inert gas, to temperatures of up to 450°C, preferably up to 400°C; and
- E) Cooling.

Accordingly, each of the inventions [i.e., Groups I-II] is based upon the same "general inventive concept" or has the same "special technical feature."

Therefore, since each of the inventions [Groups I-II] is linked to the same general inventive concept (or the same corresponding technical feature), this restriction is improper and must be removed.

Applicant provisionally elects Group I (claims 1-11).

As for the species, Applicant likewise traverses.

As mentioned above, the monomers used are either:

- i) "one or more aromatic tetraamino compounds with one or more aromatic carboxylic acids or esters thereof which contain at least two acid groups per carboxylic acid monomer," or
- ii) "one or more aromatic and/or heteroaromatic diamino carboxylic acids."

Please note these monomers when polycondensed form the recurring benzimidazole units. Thus, the logical species would be formula I

of claim 8, since it can be made from monomers of either i) or ii) above, and would therefore be generic to all claims.

### Conclusion

In view of the foregoing, Applicant respectfully requests an early Notice of Allowance in this application.

Respectfully submitted,



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